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PATENT & TRADEMARK OFFICE

#4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	COVINGTON, et al.	I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to Assistant Commissioner of Patents, Box Missing Parts, Washington, DC 20231 on 5-16-01
Serial No.:	09/705,252	
Filed:	November 2, 2000	
For:	Interactive In-Store/In-Mall and Online Shopping System and Method	Merri C. Merrill
Group Art Unit:	(unknown)	

PETITION UNDER 37 C.F.R. § 1.47(a)

The Honorable Commissioner of
Patents and Trademarks
Washington, DC 20231

RECEIVED
JUN 2 1 2001
OFFICE OF PETITIONS

Dear Sir:

Applicant hereby petitions under 37 C.F.R. § 1.47(a) to make the above-identified application by all the joint inventors, except one, on behalf of the omitted co-inventor for reason that the omitted co-inventor refuses to join in the application.

Submitted herewith is a "Statement of Facts in Support of Filing on Behalf of a Non-Signing Inventor Under 37 C.F.R. § 1.47(a)" signed by Jim Barkley, General Counsel of Simon Property Group, L.P. Also enclosed herewith is an "ADDED PAGE TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR SIGNATURE BY JOINT INVENTORS ON BEHALF OF A NON-SIGNING INVENTOR WHO REFUSES TO SIGN". Also enclosed is our response to the "Notice to File Missing Parts of Application" dated January 18, 2001, including the Combined Declaration and Power of Attorney signed by all the joint inventors, except Melanie Al-Shabkhoun, along with our request for a two month extension of time.

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CH-1158697v1

The petition fee of $130 is submitted herewith. In the event that the attached check is unacceptable, is insufficient, or the check is inadvertently omitted, the Commissioner is hereby authorized to charge the required amount to the Jones, Day, Reavis & Pogue deposit account no. 10-1202. If the amount is in excess, please credit our deposit account no. 10-1202.

Respectfully submitted,



Mark V. Campagna
Reg. No. 42,380

Date: May 16, 2001

Jones, Day, Reavis & Pogue
77 West Wacker Drive
Chicago, IL 60601-1692
(312) 782-3939

Attorney Ref: 635482-625-014

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STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF A NON-SIGNING INVENTOR UNDER 37 C.F.R. § 1.47(a)

1. I, James M. Barkley, am the General Counsel of Simon Property Group, L.P., the assignee of the above-identified application. I make this statement of facts in support of a petition to accept the above-identified application with the omission of an oath or declaration signed by one of the joint inventors, Melanie Al-Shabkhoun, who refuses to sign an oath or declaration.

2. Inventor Melanie Al-Shabkhoun is a former employee of Simon Property Group or its affiliates who resigned her employment with said company on March 25, 2000. On information and belief, Ms. Al-Shabkhoun has a legal obligation to take all actions necessary to grant Simon Property Group title to the above-referenced application and invention and to all other inventions made by her during her employment with Clix'nmortar.com.

3. In mid-December 2000, all the inventors received from the law firm of Jones, Day, Reavis & Pogue a Combined Declaration and Power of Attorney for Patent Application

relating to the present application with the request that each inventor sign and date the document and return it as soon as possible.

4. On January 19, 2001, I sent an additional copy of the materials prepared by the law firm of Jones, Day, Reavis & Pogue to Ms. Al-Shabkhoun's home in Indianapolis, Indiana by Federal Express courier and requested that she review the materials, sign the same and return them to my attention. I also instructed her to contact me either at my office or at my home (and provided telephone numbers for both) if she had any questions or concerns.

5. On January 22, 2001, Ms. Al-Shabkhoun called our office and spoke with my Administrative Assistant, indicating that she was out of the country and requesting that we send copies of the documentation to Zurich, Switzerland to an address that she would furnish us shortly.

6. On January 23, 2001, Ms. Al-Shabkhoun called again and spoke with my Administrative Assistant and indicated that she would not have time to review any documentation during her stay in Zurich, that we should not send the documentation to her at this time, and she would instead review the documentation when she returned to her home in Indianapolis, Indiana on either February 3, 2001 or February 4, 2001.

7. On Saturday, February 3, 2001, Ms. Al-Shabkhoun called me at my home and indicated that for personal and other reasons, she would not sign any papers in connection with the application. That was the last time I spoke to Ms. Al-Shabkhoun.

8. The last known address of Melanie Al-Shabkhoun is 7908 Westfield Boulevard, Indianapolis, Indiana 46240.

9. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the Unites States Code and that such willful false statements may jeopardize the validity of the present application or any patent issued thereon.

Dated: May 14, 2001

By: _____
James M. Barkley
General Counsel